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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,237	04/13/2001	Robert Van Kommer	33226	6191

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EXAMINER
VO, HUYEN X

ART UNIT	PAPER NUMBER
2626	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/835,237	KOMMER, ROBERT VAN
	Examiner	Art Unit	
	Huyen X. Vo	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 May 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-51* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5 and 7-51* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>13 April 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments filed 5/31/2006 have been fully considered but they are

not persuasive. Saylor et al. fully anticipate the limitations regarding uploading a

plurality of interactive voice response applications with executable components (*col. 20,*

line 64 to col. 21, line 45 or referring to figure 3, content provider 70 provides

information to VPAGE Server 22, where IVR applications are VoiceXML, WML, TML,

XML and others), wherein the plurality of interactive voice response applications use a

common speech recognition module (*speech recognizer 39 in figure 7*), which includes

user-specific speech models (*voice print used by speech recognizer to allow user*

access to system, col. 8, lines 1-15), for executing on said system.

2.   In response to applicant's argument regarding multiple applications using a

common speech model that includes user-specific speech models (*3rd paragraph on*

page 14 in the Arguments/Remarks section), Saylor et al. teach a common speech

recognizer that includes common speech recognition models for all applications

(*element 39 in figure 7*). The speech recognizer also includes voiceprint of the users or

user-specific speech models for enabling the logging-in process (*col. 8, lines 1-15*).

3.   In response to applicant's argument that there is no suggestion to combine the

references, the examiner recognizes that obviousness can only be established by

combining or modifying the teachings of the prior art to produce the claimed invention

where there is some teaching, suggestion, or motivation to do so found either in the

references themselves or in the knowledge generally available to one of ordinary skill in

the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, speaker

adaptation is a well known in the speech recognition art. One advantage of speaker-

adapted speech recognition system over speaker-independent speech recognition

system is speech recognition accuracy.

DETAILED ACTION

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for
> patent, published under section 122(b), by another filed in the United States before the invention by
> the applicant for patent or (2) a patent granted on an application for patent by another filed in the
> United States before the invention by the applicant for patent, except that an international application
> filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of
> an application filed in the United States only if the international application designated the United
> States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-5, 20-28, 30-35, 44-49, 51(30-35), and 51(44-49) are rejected under 35

U.S.C. 102(e) as being anticipated by Saylor et al. (US 6792086).

6.   Regarding claims 1, 30, and 51(30), Saylor et al. disclose a voice portal hosting

system, intended to be connected to a first voice telecommunication network in order for

a plurality of users in said network to establish a connection with the system using voice

equipment, said system comprising: a memory in which a plurality of interactive voice

response applications providing interactive response functionality is stored, each of said

applications including an executable component for execution by said hosting system

(*VPAGE Database 50 in figure 3, voice response application includes TML, XML,*

VoiceXML, WML, and others in col. 21, lines 10-45); and uploading means for

independently uploading said plurality of interactive voice response applications through

a second telecommunication network by a plurality of independent value-added service

providers (*col. 20, line 64 to col. 21, line 45 and or referring to figure 3, content provider*

70 provides information to VPAGE Server 22), wherein at least a plurality of said

interactive voice response applications use a common speech recognition module,

which includes user-specific speech models, for executing on said system (*text-to-*

speech 37 and speech recognizer 39 in figure 7 and/or referring to col. 26, lines 47-65

and/or col. 10, lines 15-38, and col. 8, lines 1-15, voice print. Also, it is inherent for a

speech recognition system to include speech recognition models), and further wherein

said system is adapted to execute one or more of said voice response applications

when one of said users calls said system (*col. 10, lines 15-38*).

7.   Regarding claims 2-5, 31-35, and 51(31-35), Saylor et al. further disclose the

voice portal hosting system, wherein said common speech recognition module

comprises a common user profile database (*col. 7, line 58 to col. 8, line 15*), and

wherein said common user profile database includes user preferences (*col. 7, line 58 to*

col. 8, line 15), and wherein said user preferences include a delivery address for goods

and/or services ordered with said value-added service providers (*col. 7, line 58 to col. 8,*

line 15), wherein said user preferences include a billing address and/or preferences for

goods and services ordered with said value-added service providers (*col. 7, line 58 to*

col. 8, line 15), wherein said common speech recognition module uses user-specific

speech models (*col. 7, line 58 to col. 8, line 15, voice print authentication*).

8.   Regarding claims 20-28, 44-49, and 51(44-49), Saylor et al. further disclose the

voice portal hosting system, wherein at least a plurality of said interactive voice

response applications use a common billing module and a common clearing center for

dispatching the collected amounts to said value-added service providers (*Billing Module*

46 in figure 2), wherein said common billing module allows for the billing of transactions

between said users and said value-added service providers on a common bill prepared

by the operator of said voice portal hosting system (*Billing Module 46 in figure 2*), and

wherein at least a plurality of said users have a deposit account on said voice portal

hosting system which can be used for transactions with a plurality of said value-added

service providers (*Billing Module 46 in figure 2*), wherein at least a plurality of said

interactive voice response applications use a user authentication module based on an

electronic signature and/or on biometric parameters of said users (*col. 7, line 58 to col.*

8, line 15, voice print authentication), wherein said second telecommunication network

is a TCP/IP network (*col. 14, lines 5-25 and/or referring to network 20 in figures 1-3*),

wherein at least some of said interactive voice response applications are described with

VoiceXML documents (*col. 21, lines 10-45*), wherein at least one free interactive voice

response application is made available by the operator of the system (*col. 21, lines 10-*

45), and wherein said free interactive voice response application includes a free

directory assistance service (*col. 36, line 53 to col. 37, line 8*).

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   Claims 7-12, 15, 18-19, 29, 36-39, 42-43, 50, 51(36-39), 51(42-43), and 51(50)

are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (US

6792086) in view of Maes (US 6073101).

11.   Regarding claims 29, 50, and 51(50), Saylor et al. disclose a voice portal hosting

system, intended to be connected to a first voice telecommunication network in order for

a plurality of users in said network to establish a connection with said system using a

voice equipment (*figure 12*), said system comprising a memory in which a plurality of

interactive voice response applications providing interactive voice response functionality

have been independently uploaded through a second telecommunication network by a

plurality of independent value-added service providers (*VPAGE Database 50 in figure 3,*

voice response application includes TML, XML, VoiceXML, WML, and others in col. 21,

lines 10-45, and col. 20, line 64 to col. 21, line 45 and or referring to figure 3, content

provider 70 provides information to VPAGE Server 22), wherein at least a plurality of said interactive voice response applications uses a common speech recognition module run on said system (*text-to-speech 37 and speech recognizer 39 in figure 7 and/or referring to col. 26, lines 47-65 and/or col. 10, lines 15-38. Also, it is inherent for a speech recognition system to include speech recognition models*), wherein said common speech recognition module comprises a common user profile database including user preferences (*col. 7, line 58 to col. 8, line 15*), and further wherein said system is adapted to execute one ore more of said voice response applications when one of said users calls said system (*col. 7, line 58 to col. 8, line 15*).

Saylor et al. fail to specifically disclose that common speech recognition module further uses common user-specific speech models, wherein said system further comprises means for adapting said common speech models associated to a user during each dialogue between said user and each of said interactive voice response applications. However, Maes teaches a common speech recognition module further uses common user-specific speech models (*col. 6, line 47 to col. 7, line 10*), wherein said system further comprises means for adapting said common speech models associated to a user during each dialogue between said user and each of said interactive voice response applications (*col. 5, lines 1 to col. 6, line 67*).

Since Saylor et al. and Maes are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Saylor et al. by incorporating the teaching of Maes in order to improve speech recognition accuracy.

12.   Regarding claims 7-8, 36, and 51(36), Saylor et al. fail to specifically disclose the

voice portal hosting system, wherein said common speech recognition module uses

user-specific speech models, means for adapting said common speech models

associated to a user during each dialogue between said user and each of said

interactive voice response applications, and wherein said means for adapting said

common speech models uses recorded users' speech samples for adapting said

common speech models off-line. However, Maes teaches speech recognition module

using user-specific speech models (*col. 6, line 47 to col. 7, line 10*), means for adapting

said common speech models associated to a user during each dialogue between said

user and each of said interactive voice response applications (*col. 5, lines 1 to col. 6,

line 67*), and wherein said means for adapting said common speech models uses

recorded users' speech samples for adapting said common speech models off-line (*col.

5, lines 1 to col. 6, line 67*).

        Since Saylor et al. and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Saylor et al. by incorporating the teaching of Maes in order to

improve speech recognition accuracy.

13.   Regarding claims 9-10, Saylor et al. fail to specifically disclose the voice portal

hosting system of claim 1, wherein said common speech recognition module uses

Hidden Markov Models, and further comprising a Hidden Markov Models adaptation module for adapting said models to said user, and wherein said Hidden Markov Models adaptation module allows for an incremental adaptation of said models. However, Maes teaches a common speech recognition module uses Hidden Markov Models, and further comprising a Hidden Markov Models adaptation module for adapting said models to said user (*col. 6, lines 40-60*), and wherein said Hidden Markov Models adaptation module allows for an incremental adaptation of said models (*col. 5, lines 1 to col. 6, line 67*).

Since Saylor et al. and Maes are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Saylor et al. by incorporating the teaching of Maes in order to improve speech recognition accuracy.

14.   Regarding claims 11-12, 37-38, and 51(37-38), Saylor et al. fail to specifically disclose the voice portal hosting system, wherein said common speech recognition module uses user-specific language models, and means for adapting said common language models associated to a user during each dialogue between said user and each of said interactive voice response applications. However, Maes teaches a common speech recognition module uses user-specific language models (*col. 5, lines 1 to col. 6, line 67*), and means for adapting said common language models associated to a user during each dialogue between said user and each of said interactive voice response applications (*col. 5, lines 1 to col. 6, line 67*).

Since Saylor et al. and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Saylor et al. by incorporating the teaching of Maes in order to

improve speech recognition accuracy.

15.   Regarding claims 15, 18-19, 39, 42-43, 51(39), and 51(42-43), Saylor et al. fail to

specifically disclose the voice portal hosting system, wherein at least a plurality of said

interactive voice response applications use a common user identification module run on

said system, wherein said user identification module uses a voice-based user

identification module, wherein said common speech recognition module uses a

speaker-dependant speech recognition algorithm, and wherein said speaker is identified

by said common user identification module. However, Maes further teaches that at

least a plurality of said interactive voice response applications use a common user

identification module run on said system, wherein said user identification module uses a

voice-based user identification module, wherein said common speech recognition

module uses a speaker-dependant speech recognition algorithm, and wherein said

speaker is identified by said common user identification module (*referring to the*

operation of figure 1 and/or col. 5, line 1 to col. 6, line 67).

Since Saylor et al. and Maes are analogous art because they are from the same

endeavors, it would have been obvious to one of ordinary skill in the art at the time of

invention to modify Saylor et al. by incorporating the teaching of Maes in order to

identify the user and the user's profile for used by the speech recognition to improve speech recognition accuracy.

16.   Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (US 6792086) in view Beyda et al. (US 6487277).

17.   Regarding claims 13-14, Saylor et al. fail to specifically disclose a voice portal hosting system of claim 1, wherein said common speech recognition module uses selections previously made by said users, and wherein said selections previously made by said users are stored in said voice portal hosting system for improving the arborescence of the menus. However, Beyda et al. teach common speech recognition module uses selections previously made by said users, and wherein said selections previously made by said users are stored in said voice portal hosting system for improving the arborescence of the menus (*see abstract*).

Since Saylor et al. and Beyda et al. are analogous art because they are from the same endeavors, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Saylor et al. by incorporating the teaching of Beyda et al. in order to tailor the presentation order to the needs of each individual user to improve system's efficiency.

18.   Claims 16-17, 40-41, 51(40-41) are rejected under 35 U.S.C. 103(a) as being unpatentable over Saylor et al. (US 6792086) in view of Woods et al. (US 6510417).

19.   Regarding claims 16-17, 40-41, and 51(40-41), Saylor et al. fail to specifically

disclose that the user identification module uses an identification of the equipment used

by said user in said first telecommunication network, and being operated by a telecom

operator of said first telecommunication network, wherein said user identification

module uses an identification of the equipment used by said user in said first

telecommunication network even when said identification is not available for the other

B-subscribers of said first telecommunication network. However, Woods et al. teach

that the user identification module uses an identification of the equipment used by said

user in said first telecommunication network, and being operated by a telecom operator

of said first telecommunication network, wherein said user identification module uses an

identification of the equipment used by said user in said first telecommunication network

even when said identification is not available for the other B-subscribers of said first

telecommunication network (*col. 24, lines 39-41*).

Since Saylor et al. and Woods et al. are analogous art because they are from the

same endeavors, it would have been obvious to one of ordinary skill in the art at the

time of invention to modify Saylor et al. by incorporating the teaching of Woods et al. in

order to allow the system to automatically authenticate users based on their phone

numbers by using caller-ID procedure.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631.

The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Richemond Dorvil can be reached on 571-272-7602. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV   6/14/2006

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RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER